

HOUSE JOINT RESOLUTION 477  
By Brown

A RESOLUTION to create a special joint committee to study the state's bail bond system.

WHEREAS, in accordance with our civil liberties, the Tennessee justice system allows most people who are arrested and charged with a crime to be released on bail pending trial; since most defendants do not have sufficient funds to post the full amount of such bail, the market has created the professional bail bondsman who posts the bond in exchange for a fee; and

WHEREAS, if a defendant does not appear in court, the bail agent loses all of the bond and usually his or her commission as well; therefore, bail bondsmen expend a great deal of energy and ingenuity in assuring that clients appear in court; and

WHEREAS, whenever a defendant fails to appear in court, the bondsmen may seize the fugitive; they may pursue the fugitive into another state, arrest him at any time, and if necessary, may break and enter into his house for that purpose; and

WHEREAS, bondsmen use private bail enforcement agents to find defendants who "jump" private bail; currently there are about 7,000 such agents known as bounty hunters in the U.S.A.; and

WHEREAS, in a majority of cases, bounty hunters directly apprehend the fugitives; less often, bounty hunters only locate and identify fugitives, while letting the police make the arrest; and

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WHEREAS, states throughout the United States are pondering the question of whether or not bounty hunters should at least be under the same regulations as police officers as they undertake some similar duties, and some states have introduced legislation to require all bounty hunters to submit to background checks, in order to eliminate felons and others with unsavory characters from the bounty hunting business; and

WHEREAS, the bail bond system in Tennessee has not been examined by this body in many years, and the issues surrounding bounty hunters have rarely been discussed; and

WHEREAS, it is therefore appropriate that we re-examine the bail bond system in our state at this time, placing special emphasis on the activities of bail enforcement agents, or bounty hunters; and

WHEREAS, with the constitutional rights of the criminally accused in mind, it is important that we ensure that the bail bond system is fair and non-discriminatory in application; it is equally as important that we reassure the public that the bail bond system protects the safety of innocent citizens and the public at large; and

WHEREAS, it is further necessary that we ensure the safety of the public when bounty hunters are used to capture fugitives from the law who fail to appear in court; and

WHEREAS, this matter is of grave importance to our state's judicial system and the citizenry and is worthy of special consideration by this General Assembly; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special committee to study the state's bail bond system.

BE IT FURTHER RESOLVED, That the special committee shall be composed of three (3) members of the house of representatives committee on the judiciary and three (3) members of the senate committee on the judiciary, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, That the special committee shall, at a minimum, in its deliberations consider the following:

- (a) The fairness and equity of the state's bail bond system, including an assessment of possible discrimination in its application;
- (b) The public safety problems the bail bond system presents; and
- (c) The use and possible regulation of bounty hunters as bail enforcement agents; and
- (d) Alternatives to the current system.

BE IT FURTHER RESOLVED, That various state departments shall provide assistance to the special committee upon request of the chair.

BE IT FURTHER RESOLVED, That all legislative members of the special committee shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly and provided that they remain duly elected members of the General Assembly.

BE IT FURTHER RESOLVED, That the committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair and any other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports to the One-Hundred First General Assembly prior to the adjournment of its 1999 session, at which time the committee shall cease to exist.